

## ARTICLE X

### Fireworks

#### Sec. 10-10-10. Fireworks prohibited

Except as provided in Sections 12-28-103 and 12-28-106, C.R.S., it is unlawful in the Town for any person to offer for sale, expose for sale, sell or have in his or her possession with intent to offer for sale, sell, use or explode, any fireworks. (Ord. 261 §5-11-102, 1989; Ord. 481 §1, 2003)

#### Sec. 10-10-20. Permits for display

(a) The Board of Trustees has the power to grant permits within the Town for supervised public displays of fireworks by the Town, fair associations, amusement parks and other organizations and groups, and to adopt reasonable rules and regulations for the granting of such permits.

(b) Application for a permit as provided for herein shall be filed with the Town Clerk, together with a license fee and nonrefundable inspection fee as set forth in the Fee Schedule. The application shall contain at least the following information:

(1) The name and address of the person or organization sponsoring the display, together with the names and addresses of the persons who will actually be in charge of the display;

(2) The date and time of day at which the display is to be held;

(3) The address and detailed description of the exact location planned for the display, including a diagram of the location and surrounding area;

(4) The names and addresses of the competent fireworks operators who are to supervise the discharge of the fireworks, and written evidence regarding their competency as fireworks operators;

(5) The type and class of fireworks to be discharged;

(6) The manner and place of storage of such fireworks prior to and during the display;

(7) Proof that satisfactory compensation insurance is carried by the applicant for all of the applicant's employees who will be working at the display; and

(8) Proof that the applicant has public liability insurance with the limits and coverage as set forth in Section 10-10-30, protecting the Town, fire district, applicant, manufacturer, wholesaler, seller, supplier, property owner and operators of the display from any liability or claims of damages arising out of or as a result of or related to the fireworks.

(c) Such application shall be made in writing at least thirty (30) days in advance of the date of display. Every display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the operator and the location and handling of the display shall be approved, after investigation, by the Fire Chief or the Chief of Police.

(d) No person displaying fireworks under this Section shall fail to dispose of any unfired fireworks in a safe manner after the display is concluded.

(e) No permit shall be transferable or assignable. No permit shall be required for such public display of fireworks at any county or district fair duly organized under the laws of the State and the ordinances of the Town. (Ord. 481 §1, 2003; Ord. 571 §2, 2007)

#### **Sec. 10-10-30. Insurance**

The Board of Trustees shall require a certificate of insurance to protect persons and property from death or injury as a result of any fireworks display for which a permit is issued, in an amount not less than one hundred fifty thousand dollars (\$150,000.00) per person injured and four hundred thousand dollars (\$400,000.00) per incident. The insurance shall cover any liability of the Town or any employee or agent thereof arising out of or connected with the permit and the fireworks display permitted thereunder. (Ord. 481 §1, 2003)

#### **Sec. 10-10-40. Bond**

Any permittee shall be required to obtain a performance bond in a sum not less than one thousand dollars (\$1,000.00) conditioned on compliance with the provisions of this Article; except that the Town shall not be required to file such bond. (Ord. 481 §1, 2003)

#### **Sec. 10-10-50. Interpretation**

This Article shall not be construed to prohibit:

(1) Any person from using or exploding fireworks in accordance with the provisions of any display permit issued by the Town as provided in this Article or as part of a supervised public display at any county or district fair duly organized under the laws of the State;

(2) Any person from offering for sale, exposing for sale, selling, having in his or her possession with intent to offer for sale or sell, or using or firing toy pistols, toy guns, sparklers or other devices in which caps manufactured in accordance with this Article are used;

(3) Any person from offering for sale, exposing for sale, selling, having in his or her possession with intent to offer for sale or sell blank cartridges for a show or theater, or for a signal or ceremonial purposes in organized athletics or sports;

(4) Any resident manufacturer from manufacturing and selling, or any resident wholesaler, dealer or jobber from selling at wholesale, such fireworks as are not prohibited under this Article, provided that the proper licenses for export have been issued by the Secretary of State pursuant to the provisions of Section 12-28-106, C.R.S.;

(5) Any resident manufacturer from selling any kind of fireworks, provided that the same are to be shipped directly out of state in accordance with regulations of the United States Interstate Commerce Commission covering the transportation of explosives and other dangerous articles by motor, rail and water, and provided that such manufacturing activities have been licensed by the Secretary of State pursuant to the provisions of Section 12-28-106, C.R.S.; 10-41

(6) The use of fireworks by railroads or other transportation agencies for signal purposes or illumination;

(7) The importation, purchase, sale or possession of fireworks which are used or to be used solely to prevent damage to crops by animals or birds, by the Board of Trustees with the assistance of other appropriate state departments and in accordance with Article 4 of Title 24, C.R.S.; or

(8) The sale, delivery, consignment, gift or furnishing of fireworks among display retailers, wholesalers or exporters licensed under state law. (Ord. 481 §1, 2003)

**Sec. 10-10-60. State licensing requirements**

(a) No person shall sell or offer to sell at retail any fireworks which are to be used for display purposes within the Town unless he or she first obtains a license to do so from the Secretary of State and from the Board of Trustees.

(b) No person shall manufacture or wholesale fireworks until he or she shall first obtain a license from the Secretary of State, pursuant to Section 12-28-104, C.R.S. The Secretary of State shall be the sole licensing authority for manufacturers' and wholesalers' licenses. (Ord. 481 §1, 2003)

**Sec. 10-10-70. Seizure of fireworks**

The Police Department may, for preservation of evidence or for destruction, seize, take and remove, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this Article. (Ord. 481 §1, 2003)